

IN REGULAR SESSION  
TUESDAY, MAY 10, 1994

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE  
COUNCIL CHAMBERS Tuesday EVENING May 10, 1994,  
IN Regular SESSION. PRESIDENT Cletus R. Edmonds  
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND  
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE  
FOLLOWING MEMBERS  VIZ:

BRADBURY <u>Present</u>	EDMONDS <u>Present</u>	GiaQUINTA <u>Present</u>
HENRY <u>Present</u>	LONG <u>Present</u>	LUNSEY <u>Present</u>
RAVINE <u>Absent</u>	SCHMIDT <u>Present</u>	TALARICO <u>Present</u>

ABSENT:

COUNCILMEMBER:

THE MINUTES OF THE LAST REGULAR April 26, 19 94.

SPECIAL \_\_\_\_\_, 19\_\_\_\_,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 10th day of May, 1994, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 11th day of May, 1994.

Sandra E. Kennedy  
City Clerk



# The City of Fort Wayne

Paul Helmke, Mayor

April 27, 1994

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-94-04-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
27th day of April 1994.

**Council action on this  
recommendation must take  
place prior to:  
July 26, 1994.**

---

Carol Kettler Sharp

Secretary

/pb

CC: File



**FACT SHEET**

Z-94-04-07

BILL NUMBER

**Division of Community  
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment  
From M-3 to M-1

**DETAILS****Specific Location and/or Address**

3216 Brooklyn Avenue

**Reason for Project**

Downzoning to a more appropriate  
classification for the area.

**Discussion (Including relationship to other Council actions)**18 April 1994 - Public Hearing

See Attached Minutes of Meeting

25 April 1994 - Business Meeting

Motion was made and seconded to return  
the ordinance to the Common Council with  
a DO PASS recommendation.

Of the six (6) members present, six (6)  
voted in favor of the motion.

Motion Carried.

Members Present: Ernest Evans, James  
Hoch, Thomas Quirk, Dave Ross, Mel Smith,  
Vicky VerPlanck

Members Absent: Mark GiaQuinta, Charles  
Layton, Carol Kettler Sharp

**POSITIONS****RECOMMENDATIONS**

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/ Proponents</b>	Applicant(s) Fort Wayne Common Council City Department  Other
<b>Opponents</b>	Groups or Individuals  Basis of Opposition
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
<b>Board or Commission Recommendation</b>	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 17 March 1994

Projected Completion or Occupancy

Date 27 April 1994

Fact Sheet Prepared by

Patricia Biancaniello

Date 27 April 1994

Reviewed by

Date 2 May 1994

Reference or Case Number



- a. Bill No. Z-94-04-07 - Change of Zone #561  
From M-3 to M-1  
3216 Brooklyn Avenue

Pat Fahey, Senior Planner with the Department of Community & Economic Development appeared before the Commission. Mr. Fahey stated that in the late 1980's there were residents in the area of this site who expressed concern over a use that was adjacent to the property. He stated that there was a Triple Crown Truck Trailer railroad switching yard. He stated that the concerns raised were the noise, the truck and train traffic, the intensity of the use and the proximity of the use to existing residential uses. Those concerns led to a review of the area by the Fort Wayne Common Council and a review of the existing Zoning Ordinance provisions regarding that particular type of use. Several of the Plan Commission members may remember that it did lead to an amendment to the Zoning Ordinance, as far as that particular type of use. The review also eventually lead to City Council passing a Declaratory Resolution in June of 1993, asking the Plan Commission to begin proceedings for the rezoning of the property, the address given as 3216 Brooklyn Avenue. The staff at that time began a review of the overall area, looking at existing zoning and existing land uses. He stated that there are a number of other industrial classifications in the area. He stated that there is existing industrial zoning to the north of the site, east of the site and on the other side of the railroad right-of-way, which is the western boundary of the site. There is also several different commercial classifications, B3B south of the property, some B1B, several different commercial classifications and commercial uses in the vicinity of the property. He stated that there are also a number of residential classifications immediately south, R-1, and R-2 along with different institutional uses in the general vicinity. In looking at the overall area the planning staff shares the concern that the existing zoning on the site, which is M-3 - Heavy Industrial, might lead to future uses that might not be compatible with the existing residential uses immediately to the south. He stated that the property to the south is zoned R-2, but has been developed primarily single family. He stated that they also felt that there were reasons to continue to allow some type of industrial development on the site. He stated that there is existing industrial land use to the north and also industrial uses east of the property. He stated that planning staff for those reasons, recommends to the Commission that they consider a downzoning from M-3 Heavy Industrial to M-1 Light Industrial. He stated that the M-1 classification would permit a range of commercial uses as well as the uses permitted in the M-1 district and some of the uses permitted in the M-2 district. He stated that it would limit M-2 uses to 15,000 square feet in area. He stated that the M-1 district also permits residential use, which is not permitted by right in the M-3 district. He stated that staff feels that the zoning to M-1 would still allow for a variety of uses on the property, while providing additional compatibility with the adjacent residential uses, by removing some of the more intensive and larger industrial uses, which could locate on the site, and



have an adverse impact on the adjacent neighborhood. He stated that they would recommend that the Commission recommend this downzoning to City Council.

Dave Ross questioned if the intent was to continue the M-1 further to cover the northern section also, and eliminate the heavy industrial along the whole Brooklyn Avenue corridor. He questioned if not was this to be used as a buffer between the M-1 and the heavy industrial.

Pat Fahey stated that they were looking at it more as a buffer, as a transitional zoning district between the existing zoning to the north and the residential zoning to the south.

Evelyn Sellett the property owner of the property in question appeared before the Commission. She stated that she has no objection to the rezoning. She stated that she does however object to the way it was done and some of the information that she had obtained. She stated that Triple Crown did not previously occupy the property. She stated that Triple Crown did not at anytime occupy 3216 Brooklyn Avenue. There is an 85 foot strip of land along the tracks that was sold to the Wabash Railroad on November 23, 1946. She stated that she has no idea where they obtained the information that this property in question was occupied by Triple Crown, because it never was occupied by Triple Crown.

Pat Fahey stated that he would like to apologize to Mrs. Sellett. He stated that it was their intent to try and notify her prior to the placement of the sign but failed to do so. He stated that the error she referred to, that the property had been occupied at one time by Triple Crown, was an error in the resolution as passed by Council, so he could not speak to how that mistake was made.

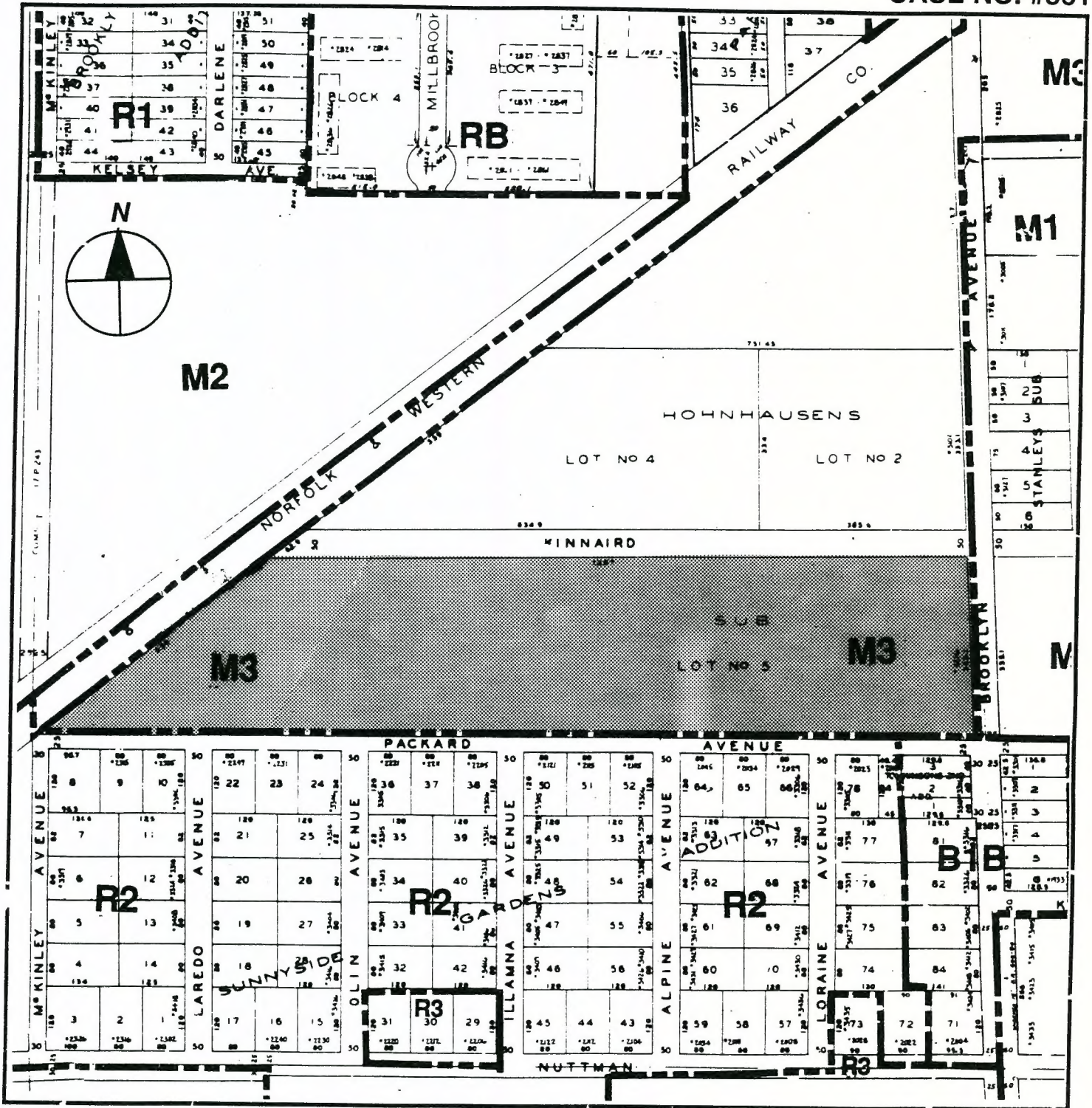
There is no one else present who spoke in favor of or in opposition to the proposed rezoning.



# REZONING PETITION

## AREA MAP

CASE NO. #561



COUNCILMANIC DISTRICT NO. 5

Map No. J-7  
LW 3-24-94

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 8, 1994 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-94-04-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 18, 1994.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 25, 1994.

Certified and signed this  
27th day of April 1994.



---

Carol Kettler Sharp  
Secretary

**Fort Wayne Common Council requests a change of zone from M-3 to M-1.**

Location: 3216 Brooklyn Ave.

Legal: Lot 5 Hohnhausen's Subdivision

Land Area: Approximately 11.5 acres

Zoning: M-3

Surroundings:	North	M-3	Commercial
	South	R-2	Residential
	East	M-1	Commercial
	West	M-2	Commercial

Reason for Request: Downzoning to a more appropriate zoning classification.

Neighborhood Assoc.: Vesey Park Neighborhood Association  
Indian Village Community Association

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the comprehensive plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Landscape: No comment.

**Planning Staff Discussion:**

Most of the site is currently undeveloped. There is an existing residential structure on the Brooklyn Avenue frontage. To the west of the site is a railroad track which was used until recently by Triple Crown, as part of their intermodal operation. The nature of that operation was the source of many complaints from residential property owners due to the associated noise, and hours of operation. Triple Crown has since relocated its facilities.

Common Council recognizes a need for the zoning classifications in any area to be consistent with existing and proposed area



uses. Appropriate zoning classifications would allow for a logical transition from more to less intense land use classifications. Therefore, Common Council has requested the Plan Commission to evaluate this area, and propose a downzoning that would address the stated goals.

The subject property is zoned M-3 which is a "heavy industrial" classification. Residential uses are located immediately to the south, and could be exposed to very negative impacts typically attributed to heavy industrial development. There is an existing residence on this acreage.

The area to the north has a heavy industrial classification, with "light" or limited industrial designations (M-1) located on the east side of Brooklyn Avenue. A general industrial classification (M-2) exists on the north side of the railroad tracks. Several of the existing uses located on the M-3 property to the north would be permitted within the M-2 zoning district.

The subject property has about 330 feet of frontage along Brooklyn Avenue, and substantially more depth, as shown on the included graphic. Packard Avenue is located immediately south of the site. The Brooklyn Avenue frontage immediately to the south is designated for limited business uses.

In evaluating this area, staff was concerned with providing for logical land use transitions, and preserving existing and projected uses. The existing heavy industrial classification was seen as potentially damaging to existing uses and infrastructure concerns. Staff felt that the proposed M-1 classification could be viewed as providing for the highest or most intense land uses while preserving property values and land investment options.

Recommendation:        Do Pass for the following reasons:

- 1) Approval is consistent with the Comprehensive Plan in that it is compatible with existing and projected land uses.
- 2) Approval provides a logical alignment of M-1 classifications on both sides of Brooklyn Avenue, north of Packard Avenue.
- 3) Approval would provide for the opportunity of the highest or best land use while helping to preserve residential property values in the immediate area.



# The City of Fort Wayne

Paul Helmke, Mayor

April 25, 1994

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

Bill No. G-93-11-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
25th day of April 1994.

---

Carol Kettler Sharp  
Secretary

/pb

CC: File



**FACT SHEET**

G-93-11-09

BILL NUMBER

**Division of Community  
Development & Planning**

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

**DETAILS****Specific Location and/or Address**

East/West alley north of W Foster Pkwy;  
south of W Rudisill Bl.; between Buell Drive  
and Hoagland Avenue.

**Reason for Project**

To prevent vandalism in the area.

**Discussion (Including relationship to other Council actions)**

15 November 1993 - Public Hearing

Jeffrey Lepley, 405 W Rudisill Blvd.,  
petitioner, appeared before the Commission.  
Mr. Lepley stated that the reason for the  
request is that last summer they had quite  
a few incidents of vehicle breakins and  
burglaries in the neighborhood. He stated  
that they would like to block off a section  
of the alley behind his house. He stated  
they would use the rest of the alley that  
goes from Hoagland Avenue to his home as  
the driveways for the homes on the alley.

Dave Ross questioned if they would be  
vacating the north-south portion of the  
alley.

Wayne E. O'Brien stated that it was never  
the intent of the petitioner's to vacate  
that portion of the north-south alley. He  
stated that portion of the alley was  
inadvertently included as part of the legal  
description. He stated that was part of the  
reason that the staff was requesting a new  
legal description be submitted. He  
stated that the north-south portion would  
still remain open as a public alley.

**POSITIONS****RECOMMENDATIONS**

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/ Proponents</b>	Applicant(s) Jeffrey Lepley  City Department  Other
<b>Opponents</b>	Groups or Individuals  Basis of Opposition
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
<b>Board or Commission Recommendation</b>	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
<b>CITY COUNCIL ACTIONS (For Council use only)</b>	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

22 November 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing a revised legal description and providing for utility relocations or easements as needed.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote. Motion carried.

Members Present: Ernest Evans, James Hoch, Robert Hutner, Charles Layton, Dave Ross, Mel Smith, Vicky VerPlanck

Members Absent: Carol Kettler Sharp, Donald Schmidt

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 1 October 1993

Projected Completion or Occupancy

Date 15 April 1994

Fact Sheet Prepared by

Patricia Biancanello

Date 15 April 1994

Reviewed by

Date

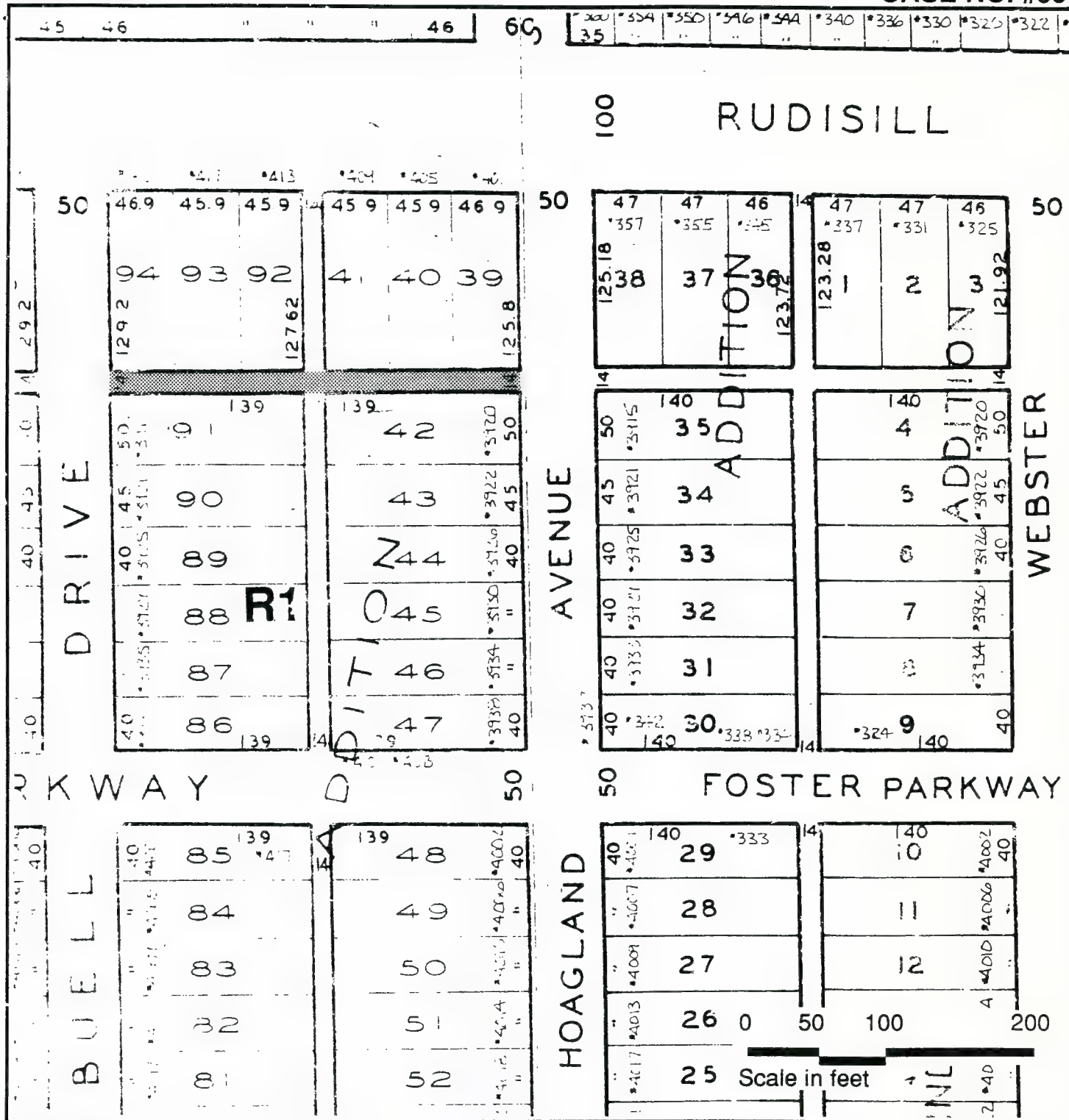
Reference or Case Number



# VACATION PETITION

AREA MAP

CASE NO. #553



COUNCILMANIC DISTRICT NO. 5

Map No.: L-11

LW 10-22-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District	IA	Interchange Access

**Jeffrey M. Lepley requests the vacation of an alley.**

Location: The east-west alley south of Rudisill Blvd. that runs between Hoagland Avenue and Buell Drive. (Excepting that portion of the north-south alley at the intersection.)

Legal: See file

Land Area: Approximately 0.09 acres

Zoning: This area is zoned R-1.

Surroundings:	North	R-1	Residential
	South	R-1	Residential
	East	R-1	Residential
	West	R-1	Residential

Reason for Request: Vandalism

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

**Planning Staff Discussion:**

This petition has been filed since there has apparently been excessive vandalism in the area. The petitioners state that approval of this vacation petition will allow added security as they will be able to stop what they see as unnecessary traffic from traversing this alley.

Mr. Lepley is aware of the need to provide utility easements and ingress-egress easements, and has been working with an attorney to address these needs. Staff has also requested a revised legal description, and additional signatures.

Staff was not able to verify signatures of all the adjoining property owners. Records that were checked indicated that there were three (3) properties not represented by signatures of the owners of record. The three (3) properties were lots 40 (Mr. Lepley), 92 and 93.

Staff also requested that a new revised legal description be submitted to clearly identify the portions of this alley that would be vacated. The north-south alley needs to remain open in order to provide safe traffic flow. If the north-south alley were to be closed, there would be a danger of traffic being forced to back out



onto Rudisill Blvd., which would not be acceptable. (In that case, the petitioners would need to provide an improved turn around area at both ends.)

If approved, we would urge the owners to establish the ingress-egress easements as needed.

Recommendation: Conditional Approval contingent upon the petitioners satisfying the following:

- 1) Provide a revised legal description that clearly identifies the portions of the alley way to be vacated. (The north-south alley needs to remain open in order to provide for safe traffic flow.) Such description must be acceptable to both the planning staff and Street Engineering Department.
- 2) Provide for utility relocations or easements as needed.

RESOLUTION

WHEREAS, JEFFREY M. LEPLEY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

The alley lying South of Lots #39, #40 and #41 and North of Lot #42, TOGETHER WITH the alley lying South of Lots #92, #93 and #94 and North of Lot #91 in Boerger's Addition to the City of Fort Wayne, Indiana, more particularly described as follows, to-wit:

Beginning at the Southeast corner of said Lot #39; thence Westerly, on and along the South line of Lots #39, #40 and #41, a distance of 139 feet to the Southwest corner of said Lot #41; thence Southerly, on and along the East line of a North-South alley, a distance of 14 feet to the Northwest corner of said Lot #42; thence Easterly, on and along the North line of said Lot #42, a distance of 139 feet to the Northeast corner thereof, being a point on the West right-of-way line of Hoagland Avenue; thence Northerly, on and along said West right-of-way line, a distance of 14 feet to the point of beginning,

TOGETHER WITH:

Beginning at the Southeast corner of said Lot #92; thence Westerly, on and along the South line of said Lots #92, #93 and #94, a distance of 139 feet to the Southwest corner of said Lot #94, being a point on the East right-of-way line of Buell Drive; thence Southerly, on and along said East right-of-way line, a distance of 14 feet to the Northwest corner of said Lot #91; thence Easterly, on and along the North line of said Lot #91, a distance of 139 feet to the Northeast corner thereof; thence Northerly, on and along the West line of a North-South alley, a distance of 14 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on November 15, 1993 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.



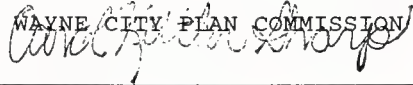
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)  
                          ) SS:  
COUNTY OF ALLEN )

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, November 22, 1993 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 18th DAY OF April 1994

FORT WAYNE CITY PLAN COMMISSION

  
\_\_\_\_\_  
Carol Kettler Sharp  
Secretary

RESOLUTION 81-53-9

WHEREAS, JEFFREY M. LEPLEY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

The alley lying South of Lots #39, #40 and #41 and North of Lot #42, TOGETHER WITH the alley lying South of Lots #92, #93 and #94 and North of Lot #91 in Boerger's Addition to the City of Fort Wayne, Indiana, more particularly described as follows, to-wit:

Beginning at the Southeast corner of said Lot #39; thence Westerly, on and along the South line of Lots #39, #40 and #41, a distance of 139 feet to the Southwest corner of said Lot #41; thence Southerly, on and along the East line of a North-South alley, a distance of 14 feet to the Northwest corner of said Lot #42; thence Easterly, on and along the North line of said Lot #42, a distance of 139 feet to the Northeast corner thereof, being a point on the West right-of-way line of Hoagland Avenue; thence Northerly, on and along said West right-of-way line, a distance of 14 feet to the point of beginning,

TOGETHER WITH:

Beginning at the Southeast corner of said Lot #92; thence Westerly, on and along the South line of said Lots #92, #93 and #94, a distance of 139 feet to the Southwest corner of said Lot #94, being a point on the East right-of-way line of Buell Drive; thence Southerly, on and along said East right-of-way line, a distance of 14 feet to the Northwest corner of said Lot #91; thence Easterly, on and along the North line of said Lot #91, a distance of 139 feet to the Northeast corner thereof; thence Northerly, on and along the West line of a North-South alley, a distance of 14 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

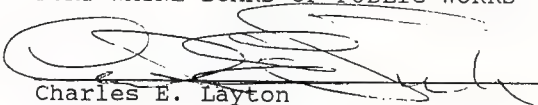
STATE OF INDIANA)  
                  ) SS:  
COUNTY OF ALLEN )

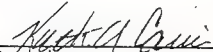



I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held \_\_\_\_\_ and as same appears of record in the official records of the Board of Public Works.

DATED THIS 20 DAY OF APRIL 1994

FORT WAYNE BOARD OF PUBLIC WORKS

  
\_\_\_\_\_  
Charles E. Layton  
Director of Public Works

  
\_\_\_\_\_  
Katherine A. Carrier  
Member, Board of Public Works

  
\_\_\_\_\_  
C. James Owen  
Member, Board of Public Works



# The City of Fort Wayne

Paul Helmke, Mayor

April 29, 1994

President of the Common Council  
City of Fort Wayne, Indiana

Council Members:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

59/94/E, 60/94/D, 61/94/E, 62/94/D, 63/94/D and 64/94/E.

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Payne D. Brown  
Director Board of Safety



59/94/E

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/06/94 SHEET 1 OF 1 DATE MARCH 07, 1994

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: PARKING REGULATION


Please be advised our office has received a letter from 6th District Councilman, Cletus Edmonds and Cleo Smith, Suburban Heights Association President, requesting parking restrictions on several streets within their neighborhood. The major problem in the area is a business located at Belmont Dr. and Hanna St. In-operable vehicles are blocking vision at the intersection and are aesthetically deteriorating the sight of the neighborhood.

It is hereby recommended that the Board of Public Safety authorize the following:

NO PARKING (EMERGENCY)

Belmont Dr.	- north side -	from Hanna St. to Southern Ct.
Belmont Dr.	- south side -	from Hanna St. to 110' east thereof.
Hanna St.	- east side -	from 130' south of Belmont St. to 325' north thereof.

Respectfully submitted,

  
Tom MANNY  
Traffic Engineer

cc: Richard Bacon  
File

REGULATORY RESOLUTION NO. 59/94/E

(Adopted April 7, 1994)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of Said Chapter delegates to this Board authority to:

NO PARKING (EMERGENCY)

---

---

---

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 7, 1994, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective April 7, 1994, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

<u>NO PARKING</u>		<u>(EMERGENCY)</u>
Belmont Drive	north side	from Hanna Street to Southern Court
Belmont Drive	south side	from Hanna Street to 110' east thereof
Hanna Street	east side	from 130' south of Belmont Street to 325' north thereof



60/94/D

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/07/94 SHEET 1 OF 1 DATE MARCH 09, 1994

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: PREFERENTIAL INTERSECTION

Please be advised our office has completed a review of the intersections for Reidmiller Ave. and Michigan Ave. and Reidmiller Ave & Eagle St. regarding control. A combination of traffic volumes and restricted sight distance satisfy minimum warrants for Yield control.

It is hereby recommended that the Board of Public Safety authorize the following:

PREFERENTIAL INTERSECTION (DELEGATED)

Reidmiller Ave.	- preferential -	at Eagle St.
Reidmiller Ave.	- preferential -	at Michigan Ave.

Respectfully submitted,



Tom Manny  
Traffic Engineer

cc: Richard Bacon  
File

REGULATORY RESOLUTION NO. 60/94/D

(Adopted April 7, 1994)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of Said Chapter delegates to this Board authority to:

PREFERENTIAL INTERSECTION (DELEGATED)

---

---

---

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 9, 1994, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective April 7, 1994, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

<u>PREFERENTIAL INTERSECTION</u>	<u>(DELEGATED)</u>
Reidmiller Avenue	preferential at Eagle Street
Reidmiller Avenue	preferential at Michigan Avenue

61/94/E

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/08/94 SHEET 1 OF 1 DATE MARCH 09, 1994

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: IMPAIRED MOBILITY ORDINANCE

Please be advised the following Residential (public street) Impaired Mobility Parking application has been submitted to this office as required by the Impaired Mobility Ordinance. The Traffic Engineering Department has reviewed this location and has prepared a map to identify it.


Pending your approval, this location will be properly identified with signs and submitted to Fort Wayne Police Department for selective enforcement.

It is hereby recommended the Board of Public Safety authorize the following:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

1007 Home Ave. - south side - from 165' east of Beaver  
to 20' east thereof

Respectfully submitted,

  
Tom Manny  
Traffic Engineering

TM/lc

cc: Dennis Bruce  
File



REGULATORY RESOLUTION NO. 61/94/E

(Adopted April 7, 1994)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of Said Chapter delegates to this Board authority to:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

---

---

---

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 9, 1994, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective April 7, 1994, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

<u>IMPAIRED MOBILITY PARKING (RESIDENTIAL)</u>	<u>(EMERGENCY)</u>
1007 Home Avenue	south side from 165' east of Beaver to 20' east thereof

62/94/D

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/09/94 SHEET 1 OF 1 DATE MARCH 14, 1994

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: PREFERENTIAL INTERSECTION

Please be advised our office has completed a traffic study at the intersection of Becker St. and Monument Dr. regarding control. A combination of geometric design and traffic volumes satisfies minimum warrants for Yield control.

It is hereby recommended that the Board of Public Safety authorize the following:

PREFERENTIAL INTERSECTION (DELEGATED)

Becker St. - preferential - at Monument Dr.

Respectfully submitted,



Tom MANNY  
Traffic Engineer

cc: Richard Bacon  
File

REGULATORY RESOLUTION NO. 62/94/D

(Adopted April 7, 1994)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of Said Chapter delegates to this Board authority to:

PREFERENTIAL INTERSECTION (DELEGATED)

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 14, 1994, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective April 7, 1994, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)  
Becker Street preferential at Monument Drive



63/94/D

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/10/94 SHEET 1 OF 1 DATE MARCH 29, 1994

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: PREFERENTIAL INTERSECTION

Please be advised our office has received a request to review the intersection of Fair Oak Dr. and Orchard Lane regarding control. A combination of traffic volumes and geometric design satisfies minimum warrants for Yield control.

It is hereby recommended that the Board of Public Safety authorize the following:

PREFERENTIAL INTERSECTION (DELEGATED)

Fair Oak Dr. - preferential - at Orchard Lane

Respectfully submitted,



Tom Manny  
Traffic Engineer

cc: Richard Bacon  
File

REGULATORY RESOLUTION NO. 63/94/D

(Adopted April 7, 1994)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of Said Chapter delegates to this Board authority to:

PREFERENTIAL INTERSECTION (DELEGATED)

---

---

---

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 29, 1994, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective April 7, 1994, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)  
Fairoak Drive preferential at Orchard Lane.

64/94/E

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/11/94 SHEET 1 OF 1 DATE MARCH 29, 1994

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: IMPAIRED MOBILITY ORDINANCE

Please be advised the following Residential (public street) Impaired Mobility Parking application has been submitted to this office as required by the Impaired Mobility Ordinance. The Traffic Engineering Department has reviewed this location and has prepared a map to identify it.

Pending your approval, this location will be properly identified with signs and submitted to Fort Wayne Police Department for selective enforcement.

It is hereby recommended the Board of Public Safety authorize the following:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

224 E. Butler St. - south side - from 160' east of Clinton St. to 20' east thereof.

Respectfully submitted,

*Tom Manny*

Tom Manny  
Traffic Engineering

TM/lc

cc: Dennis Bruce  
File



REGULATORY RESOLUTION NO. 64/94/E

(Adopted April 7, 1994)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of Said Chapter delegates to this Board authority to:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

---

---

---

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 29, 1994, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective April 7, 1994, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

<u>IMPAIRED MOBILITY PARKING (RESIDENTIAL)</u>		<u>(EMERGENCY)</u>
224 E Butler St	south side	from 160' east of Clinton St. to 20' east thereof